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13 Attorneys for Defendant
14 WAL-MART STORES, INC.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION

18 In Re WAL-MART STORES, INC.
19 WAGE AND HOUR LITIGATION,

Case No. C 06-02069 SBA (BZ)

20 This document relates to Case Nos.:
21 C 06-02069 SBA (Smith) and
22 C 06-05411 SBA (Ballard)

23 **STIPULATION AND ~~[PROPOSED]~~**
24 **ORDER RE: PERSONNEL FILE**
25 **PRODUCTION WIND DOWN AND**
26 **COMPLETION**

STIPULATION

WHEREAS, on August 16, 2007, in the Court's Fifth Discovery Order (as subsequently modified by the Court's Sixth Discovery Order), the Court ordered, among other things, Wal-Mart to produce documents identified through review of its personnel files of the potential class members at a rate of 10,000 potential class members every week until completed;

WHEREAS, Wal-Mart has been producing documents from such personnel files at such rate each Friday since September 7, 2007;

WHEREAS, Wal-Mart has through December 14, 2007 produced responsive documents from the files of more than 146,000 potential class members comprising over 821,200 pages of documents;

WHEREAS, more recent estimates of the number of potential class members by plaintiffs are in the neighborhood of 150,000 personnel;

WHEREAS, Wal-Mart is nearing the end of its personnel file production and December 14, 2007 will be the last date in which Wal-Mart will be able to produce responsive documents from a review of more than 10,000 files of potential class members;

WHEREAS, Wal-Mart expects to produce responsive documents from a review of the files of more than 3,000 potential class members on December 21, 2007, and significantly less files will be reviewed each week following as Wal-Mart nears the end of its personnel file production;

WHEREAS, Plaintiffs have been made aware of the approaching end to the personnel file production;

WHEREAS, Wal-Mart expects that the personnel file production will be completed in January 2008;

WHEREAS, Plaintiffs have agreed to this modified schedule and review amount;

NOW, THEREFORE, the Parties hereby stipulate and agree to the following and ask that the Court approve this stipulation as an Order of the Court:

1. The Court's Fifth Discovery Order entered on August 16, 2007 (as subsequently modified by the Court's Sixth Discovery Order), shall be modified to reflect the impending end of

1 the personnel file production;

2 2. The personnel file production for Friday, December 21, 2007, will have a
3 production based on a review of the files of more than 3,000 potential class members.

4 3. Subsequent productions will be based on the review of less than 1,000 files per
5 week until the last production, expected to be in January 2008.

6
7 Pursuant to General Order 45, Section X.B., I hereby attest that I have on file all
8 holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this
9 efiled document.

10
11 Dated: December 20, 2007

SCHWARTZ, DANIELS & BRADLEY

12 By: _____
13 Marcus J. Bradley

14 Attorneys for Plaintiffs

15 Dated: December 20, 2007

MORGAN, LEWIS & BOCKIUS LLP

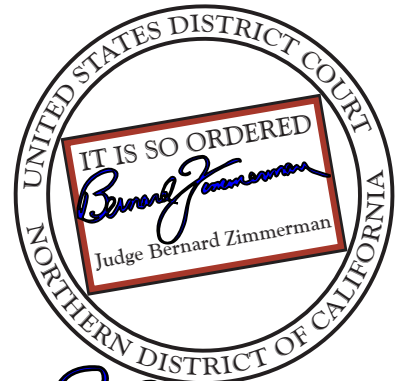
17 By: _____
18 William J. Taylor

19 Attorneys for Defendant
20 WAL-MART STORES, INC.

21 **ORDER**

22 IT IS SO ORDERED.

23
24 Dated: December 21st, 2007



25
26 
27 THE HONORABLE BERNARD ZIMMERMAN
28 UNITED STATES MAGISTRATE JUDGE

1 **PROOF OF SERVICE**

2 **In Re Wal-Mart Stores, Inc. Wage and Hour Litigation.**
3 **United States District Court Case No. C 02-02069 SBA (BZ) (and related cases)**

4 I am a resident of the State of California and over the age of eighteen years, and not a
5 party to the within action; my business address is One Market, Spear Street Tower, San
6 Francisco, CA 94105-1126. On December 20, 2007, I served the within document(s):

7 **STIPULATION AND [PROPOSED] ORDER RE: PERSONNEL FILE PRODUCTION**
8 **DURING THE THANKSGIVING HOLIDAYS**

- 9 ☒ **U.S. MAIL:** I placed the document(s) listed above into envelope(s) addressed to the
10 person(s) at the address(es) set forth below. I placed the sealed envelope(s) for
11 collection and mailing by following the ordinary business practices of Morgan, Lewis
12 & Bockius LLP, San Francisco, California. I am readily familiar with the firm's
13 practice for collecting and processing of correspondence for mailing with the United
14 States Postal Service, said practice being that, in the ordinary course of business,
15 correspondence with postage fully prepaid is deposited with the United States Postal
16 Service the same day as it is placed for collection.
- 17 ☐ **OVERNIGHT DELIVERY (FedEx):** I placed the document(s) listed above into
18 envelope(s) or package(s) designated by the express service carrier and addressed to
19 the person(s) at the address(es) set forth below. I placed the sealed envelope(s) or
20 package(s) for collection and overnight delivery by following the ordinary business
21 practices of Morgan, Lewis & Bockius LLP, San Francisco, California. I am readily
22 familiar with the firm's practice for collecting and processing of correspondence for
23 overnight delivery, said practice being that, in the ordinary course of business,
24 correspondence for overnight delivery is deposited with delivery fees paid or
25 provided for at the carrier's express service offices for next-day delivery the same day
26 as the correspondence is placed for collection.
- 27 ☐ **PERSONAL SERVICE:** I arranged for the document(s) listed above to be
28 personally delivered to the person(s) at the address(es) set forth below (through
Specialized Legal Service, Professional Messenger).
- ☐ **FACSIMILE:** I transmitted the document(s) listed above via facsimile machine at
the time stated on the attached transmission report(s). The facsimile transmission(s)
was reported as complete and without error
- ☐ **ELECTRONIC MAIL:** I personally transmitted via electronic mail (E-MAIL) the
document(s) listed above to the person(s) at the electronic mail address(es) set forth
below.

Party Served	Method of Service
<u>COUNSEL FOR PLAINTIFFS:</u> A.E. Bud Bailey, Esq. J. Dana Pinney, Esq. Bailey Pinney PC 1498 S.E. Tech Center Place, Suite 290 Vancouver, WA 98683	VIA U.S. MAIL

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VIA U.S. MAIL

COUNSEL FOR PLAINTIFFS:

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VIA U.S. MAIL

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct. Executed on December 20, 2007, at San Francisco, California.

Dolores M. Rivera